

Ralf Kürten, et al
Serial No.: 10/670,759
Amdt. dated November 23, 2004
Reply to Office Action of Sept. 29, 2004

REMARKS/ARGUMENTS

In the Office Action, claims 13-25 were rejected under 35 USC 102(b) as anticipated by US Patent Number 6,019,402 to Arabia, Jr. et al (Arabia) on the grounds stated in the Office Action.

The following argument is presented to overcome the foregoing ground of rejection, and to show the presence of patentable subject matter in the claims.

Arabia discloses a motor driven lock. It has a rotary-latch 24, which is retained in a lock position by a catch 26. When the actuation member 132 is rotated an actuation member 116 is moved between the two positions which are shown in figure 5. This is a rotation to lock and unlock the lock using a power actuator assembly 92 (column 9, line 33 to column 10, line 7). This operation has nothing to do with an operation of the subject matter to which present claim 13 is directed. In the present claims, an actuation member 19 is used to pivot the catch 9 into a release position by which the rotary-latch 6 can pivot into an open position.

Arabia shows an open position in figure 2 (dashed lines). There is no disclosure of any means in Arabia, which may force the

detent 26 (catch) from a latched position (solid lines in fig. 2) into an unlatched position (dashed lines in fig. 2).

Present claim 13 also calls for a release member 24. This release member is operative by means of the rotary-latch. The element 118 (Arabia, col. 9, line 4) which is named as "drive lug" is not a release member in the sense of the present specification. The present actuation member 19 can be released by the release member 24. This takes place when the latch 6 pivots into its open position. Therefore, the function described above for the present release member 24 and its cooperating elements of the lock is not disclosed in Arabia.

Claim 13 is amended to clarify the distinction between operation of the present lock and operation of the Arabia lock. Accordingly, claim 13 and its dependent claims are believed to be allowable.


In the event there are further issues remaining in any respect the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Since the present claims set forth the present invention patentably and distinctly, and are not taught by the cited art either taken alone or in combination, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.

Respectfully submitted

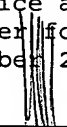
Ralf Kürten, et al

by: 
MARTIN A. FARBER
Attorney for Applicants
Registered Representative
Registration No.: 22,345

CERTIFICATE OF MAILING UNDER 37 CFR SECTION 1.8(a)

I hereby certify that the accompanying Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450, on November 23, 2004.

Dated: November 23, 2004


Martin A. Farber

866 United Nations Plaza
New York, NY 10017
(212) 758-2878

-7-
BEST AVAILABLE COPY